

ORDINANCE NO. 319

CITY OF DEPOE BAY

AN ORDINANCE AMENDING ORDINANCE NO. 24 (ZONING ORDINANCE), AS AMENDED; ADDING A NEW SECTION 3.115 COMMERCIAL ZONE C-1 – DESIGN STANDARDS AND GUIDELINES, ENACTING PROVISIONS REQUESTED AS RESULT OF REVIEW OF THE DEPOE BAY ZONING ORDINANCE BY THE CITY OF DEPOE BAY; AND DECLARING AN EMERGENCY.

WHEREAS, the Depoe Bay Planning Commission has reviewed the Zoning Ordinance and considered proposed revisions and additions thereto; and

WHEREAS, the Depoe Bay Planning Commission held public hearings on April 11, 2018, July 11 2018, and August 8, 2018, to obtain public comment on proposed revisions to the Zoning Ordinance; and

WHEREAS, the Depoe Bay Planning Commission, after considering public testimony, approved certain changes to the Zoning Ordinance and has recommended those changes to the Depoe Bay City Council; and

WHEREAS, the Depoe Bay City Council held public hearings on August 21, 2019, and September 3, 2019, and has concluded deliberations on the recommended changes to the Zoning Ordinance, including considering public testimony and staff recommendations;

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1. Ordinance No. 24, as amended, is hereby amended in the following particulars:

- a. Section 3.115 Commercial Zone C-1 – Design Standards and Guidelines, is a new section as shown in the text attached hereto, marked Exhibit A.

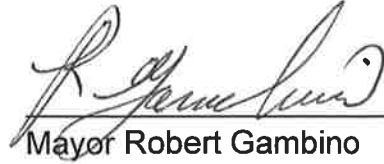
WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effective immediately upon its adoption by the City Council of the City of Depoe Bay and approved by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this 17th day of September, 2019.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this on this 1st day of October, 2019.


Approved by the Mayor of the City of Depoe Bay, Oregon, this 2nd day of October, 2019.

CITY OF DEPOE BAY



Mayor Robert Gambino

ATTEST:



Interim City Recorder

EXHIBIT A

Section 3.115 Commercial Zone C-1 - Design Standards & Guidelines

Sections:

1. Applicability
2. General Information
3. Building Setbacks
4. Lot Coverage of Buildings on Arterials (Hwy 101)
5. Building Orientation on Arterials (Hwy 101)
6. Building Height on Arterials (Hwy 101)
7. Building Architectural Standards
8. Pedestrian Amenities in the C-1 Zone
9. Special Standards for Certain Uses in the C-1 Zone
10. Parking, Garages, and Driveways in the C-1 Zone

1. Applicability

- A. The provisions of this Section 3.115 shall be applicable to Section 3.110 Retail Commercial Zone C-1. The provisions of this Section 3.115 shall override any conflicts between provisions of Section 3.115 and 3.110.
- B. Any structure lawfully permitted which is made nonconforming by adoption or amendment of this chapter is a nonconforming structure. Existing structure non-conformities may continue indefinitely (grandfathered). Normal maintenance and repairs are permitted that do not result in the alteration of the footprint, volume, or height of the structure.

2. General information

- A. In the Commercial Zone C-1 on arterials (specifically Hwy. 101), these commercial guidelines help create a vibrant pedestrian environment by slowing traffic down, providing a storefront business friendly character to the street, and especially by encouraging walking for the enjoyment of residents and visitors. To create a social and approachable "streetscape" the setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The addition of these pedestrian amenities serves as informal gathering places for socializing, resting, and enhanced enjoyment of the Depoe Bay commercial district.
- B. The standards encourage the formation of solid blocks of commercial and mixed-use buildings for individual walkable districts that are tied to the overall business district.
- C. Along Highway 101 frontage, landscaping, building setbacks, and other pedestrian amenities sustain the feel of a small community located between two Oregon State parks and vegetated corridors. These amenities will distinguish Depoe Bay from many cities and towns that have arterial development dominated by pavement, parking lots and stark building facades immediately adjacent to narrow sidewalks.

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- D. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage permanent housing near employment, shopping, and services, and to encourage affordable, amiable housing for families that desire to play and live in Depoe Bay.

3. Building Setbacks

- A. These setback standards shall apply to primary structures as well as accessory structures on arterials (Hwy. 101). The standards may be modified only by approval of a variance in accordance with Article 8. Variances.
- B. Front Yard Setbacks.
 - 1) Minimum Setback. There is no minimum front yard setback required.
 - 2) Maximum Setback. There is no maximum front yard setback required, but a usable public space with pedestrian amenities (e.g., plaza, pocket park, managed landscaping, outdoor dining area or town square with seating) shall be provided in the entire area between the building and front property line. (See also, Pedestrian Amenities Standards and Architectural Standards in this Section).
- C. Rear Yard Setbacks. There is no minimum rear yard setback.
- D. Side Yard Setbacks. There is no minimum side yard setback required but in the case of a side yard on a corner lot, a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, managed landscaping, outdoor dining area or town square with seating) shall be provided in the entire area between the building and side property line. (See also, Pedestrian Amenities Standards and Architectural Standards in this Section).
- E. All buildings shall conform to the clear vision standards in Section 4.010 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

4. Lot Coverage of Buildings on arterials (Hwy. 101).

- A. There is no maximum or minimum lot coverage requirement.
- B. All buildings on arterials (Hwy 101) shall have a minimum 1,000 square feet.

5. Building Orientation on arterials (Hwy. 101).

- A. Buildings shall have their primary entrance(s) oriented to (facing) Hwy 101, except as noted below;
 - 1) Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

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- 2) Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.
- 3) On corner lots, buildings entrances may be oriented to the street corner.
- B. Developments may be configured to provide a driveway or interior parking court. If interior parking courts are created, then pedestrian pathways shall be provided between buildings from the street right-of-way to interior parking courts, to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.
- C. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and Hwy 101.
6. Building Height on arterials (Hwy. 101).
 - A. Maximum Height. Buildings shall not exceed a height of 35 feet.
 - B. Building height shall be measured at the front of the building from the lowest point from the adjacent sidewalk, or the existing paved street elevation where a sidewalk doesn't currently exist. For corner lots and through lots the front shall be along the major street.
 - 1) The one exception to the above is on the west side of Hwy 101 from Sunset Street to the bridge where building height is measured in accordance with DBZO Section 1.030 Definitions.
7. Building Architectural Standards
 - A. This section applies to all building types on arterials (Hwy. 101).
 - B. All buildings along Hwy 101 shall contribute to the storefront character and visual relatedness of Depoe Bay's C-1 Zone buildings. This criterion shall be met by providing architectural features as listed in items 1-34 below, in the front or "main street" façade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or façade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street façade in a manner similar to that as the main street façade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that façade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.
 - 1) Fenestration and decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories. Windows shall be of a design that is consistent with the architectural character of the building and as described in this section.
 - 2) Display windows. Large display windows shall be provided on the ground floor and shall be set off by extended mullions, applied columns, or a

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storefront cornice to separate the ground floor from upper stories. Street ground floor exterior walls shall contain a minimum of 50% of either display windows or entrance area measured across the length of the exterior wall. Display windows are not required for residential or tourist accommodation uses. For all building types and uses, floors facing streets shall not have less than 25% window area measured across the length of the exterior wall. Proportion of windows shall conform to general architectural standards.

- 3) Decoration. Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.
- 4) Additional Design Features. A minimum of two of the following design features are required:
 - a) Cedar shake shingle appearance for the roof and siding,
 - b) A steeply pitched roof with gable ends,
 - c) Multiple dormers,
 - d) Shutters by windows,
 - e) Window boxes,
 - f) Pilasters surrounding doors,
 - g) Bright white trim.

C. Other than receptacles for the public use, trash containers (including recyclables and garbage) shall not be located along Hwy 101, unless they are non-conforming ("grandfathered"), and shall be obscured by a fence or similar, or otherwise hidden from view.

D. A minimum 15% of C-1 properties with Hwy 101 frontage north of Bradford Street and south of Evans Street shall be landscaped with native vegetation including a mix of trees, shrubs, and ground cover. Properties shall contain at least one tree indigenous to the northwest.

8. Pedestrian Amenities in the C-1 Zone

- A. Pedestrian sidewalks shall be provided on all street sides of buildings, parking areas, etc. in the entire C-1 zoned area. These sidewalks shall have a minimum 8 foot width along Highway 101, and minimum 5 foot width elsewhere. Sidewalks shall be concrete with a city-approved surface material that is consistent with adjacent and nearby sidewalks. All sidewalks shall be ADA compliant to meet current laws.
- B. Every building and development on arterials (Hwy. 101) shall provide one or more of the "pedestrian amenities" listed in subsection below.

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- 1) A managed landscaped plaza, courtyard, square or recessed area next to the building;
- 2) Sitting space, such as; dining area, benches or sitting ledges (minimum of 16 inches in height and 30 inches in width) between the building and sidewalk
- 3) Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space, and minimum 8 foot above the sidewalk or other pedestrian space).
- 4) Multi-family housing and tourist accommodations that do not have a majority (greater than 75%) of retail on the ground floor shall have a minimum of 8 feet of landscaped grounds between the building(s) and sidewalk.

9. Special Standards for Certain Uses in the C-1 Zone

A. Common Areas

All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, landscaped areas, and any otherwise unused right-of-way areas between the property line and developed road, etc.) and building exteriors shall be maintained by the property owner. Copies of any applicable covenants, restrictions and conditions shall be recorded by the applicable agency and provided to the city prior to building permit approval.

B. Accessory Uses and Structures.

- 1) An accessory structure shall not be allowed before or without a primary use.
- 2) Accessory structures on arterial (Hwy. 101) property shall comply with the setback standards herein, except that the maximum setback provisions shall not apply.
- 3) Accessory structures on arterial (Hwy. 101) property shall comply with the Building Architectural Standards, as provided herein.
- 4) A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way without prior written approval by the applicable agency.
- 5) The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- 6) No accessory use structure shall be viewable from Hwy 101.

10. Parking, Garages, and Driveways in the C-1 Zone

- A. Parking requirements within the C-1 Zone shall conform to DBZO Section 4.030 Off-Street Parking and Off-Street Loading Requirements. Parking-related provisions of this Section 3.115 shall supersede provisions of Section 4.030 that are expressly contrary to this Section 3.115. The required size of parking spaces, aisles, driveways and similar design features are set forth in Diagram A

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of the DBZO. Due to the increased length of vehicles, longer parking spaces are highly recommended. No "compact" sized spaces are allowed.

- B. If an existing commercial building is presently non-conforming in regards to parking ("grandfathered"), increasing the square footage of the building will not require the building owner/developer to fulfill the existing non-conforming portion of the parking space requirement. The owner/developer will be required to fulfill any additional parking requirement relating to the increased square footage.
- C. All off-street paved vehicle areas along arterials (Hwy. 101), including surface lots, driveways, parking areas and garages, shall be accessed from alleys or a side or back street, and shall be located in areas located behind or to the side of a building. They may be placed in structures above the ground floor. Side-yards on corner lots shall not be used for surface parking. Parking areas on the side of a building shall be limited to one row of diagonal parking maximum. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances and driveways shall be oriented to a side-street (i.e., away from Hwy 101 when vehicle access cannot be provided from an alley). Parking areas or parking spaces shall not be placed in front of a building on arterials (Hwy. 101), other than the public parking spaces provided within the public right-of-way.
- D. Between nine a.m. and five p.m. on any day, no individual who works or resides in the C-1 Zone shall park a vehicle on Hwy. 101 north of the Depoe Bay Bridge while in their place of employment or in their place of residence except for vehicles with authorized disabled placards. One exception is on the west side of Hwy. 101 from Sunset St. south to Whale Park Memorial Wall (Bradford St.). Tourist transients are also excluded. No structure in the applicable area shall be considered non-conforming or ("grandfathered") from this specific standard.
- E. Driveways, alleyways, and any other vehicle access shall be hard-surface paved and shall be at the existing road grade level at the point the driveway meets the public right-of-way. In cases where the current developed road is not the full width of the public right of way, the vehicle access shall be at the elevation the road grade level would be as if the road were expanded to the edge of the public right-of-way.
- F. Regardless of use, all parking lots, parking areas, parking courts, and parking spaces shall be hard-surface paved and striped for individual parking spaces. The parking spaces along the outer boundaries of a lot or parking area shall contain a curb or bumper rail at least four inches high and set back four (4) feet from the front of the space. At least 5% of parking areas over 6 stalls shall be landscaped.